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FOLLOWING REPEAT BONN 12879 ACTION SECSTATE INFO USBERLIN
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QUOTE

C O N F I D E N T I A L S BONN 12879

E.O. 11652: GDS

TAGS: ETEL, GW, WB, US, UK, FR

SUBJECT: OCTOBER ITU REGIONAL CONFERENCE: BERLIN

ASPECTS

REFS: (A) BONN 6311; (B) STATE 69941

FOLLOWING IS THE TEXT OF A PAPER DRAFTED BY THE
UK BONN GROUP REPRESENTATIVE, CONCERNING POSSIBLE
PROBLEMS IN CONNECTION WITH THE REPRESENTATION OF BERLIN
BY THE FRG AT THE OCTOBER ITU REGIONAL ADMINISTRATIVE
CONFERENCE IN GENEVA, INCLUDING THE QUESTION OF
PROVIDING AN ALLIED MANDATE TO THE FRG. A REPORT OF
THE INCONCLUSIVE AUGUST 8 TRIPARTITE DISCUSSION OF THE
PAPER FOLLOWS SEPTTEL.

BEGIN TEXT.

1. A PAPER CIRCULATED BY THE GERMAN DELEGATION IN THE
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BONN GROUP IN FEBRUARY DISCUSSED DIFFICULTIES EXPECTED

TO ARISE IN CONNECTION WITH THE NEXT SESSION OF THE
ITU REGIONAL ADMINISTRATIVE CONFERENCE IN OCTOBER.
BRIEFLY THE PAPER ENVISAGED THREE PROBLEM AREAS:

- A. WHETHER THE PRESENT NUMBER OF FREQUENCIES AND
OUTPUT STRENGTHS OF THE COMMERCIAL TRANSMITTERS
IN WEST BERLIN, INCLUDING THOSE OF THE ALLIES, CAN
BE PRESERVED;
- B. DIFFICULTIES ARISING FROM THE REPRESENTATION
OF BERLIN BY THE FEDERAL GERMAN DELEGATION;
- C. DIFFICULTIES ARISING FROM THE PRESENCE OF
WEST BERLIN REPRESENTATIVES IN THE FEDERAL GERMAN
DELEGATION.

2. ARISING FROM THE DISCUSSION OF THESE PROBLEMS THE
PAPER POSED THREE QUESTIONS:

- A. SHOULD THE EXISTING FREQUENCIES FOR RIAS, AFN
AND THE BBC BE REGISTERED BY THE FEDERAL GERMAN
AUTHORITIES?
- B. WOULD THE THREE ALLIES PROVIDE A FORMAL
STATEMENT THAT THE REPRESENTATION OF THE
INTERESTS OF WEST BERLIN BY THE FRG AT THE
SECOND SESSION IS IN ACCORDANCE WITH THE QUADRI-
PARTITE AGREEMENT, AND THAT THE CONFERENCE DOES
NOT AFFECT QUESTIONS OF THE SECURITY AND STATUS OF
BERLIN?
- C. WOULD THE BRITISH AND AMERICAN GOVERNMENTS
CONSIDER GIVING THE FEDERAL GERMAN DELEGATION A
FORMAL MANDATE TO REPRESENT THE INTERESTS OF
RIAS, AFN AND THE BBC?

THE QUESTION AT (A) ABOVE HAS ALREADY BEEN DEALT WITH.
THIS PAPER CONSIDERS THE POSITION TO BE TAKEN BY THE
ALLIES AND THE FRG AT THE CONFERENCE ON QUESTIONS B.
AND C.

3. IT IS A FAIR ASSUMPTION THAT THE QUESTION OF
BERLIN'S REPRESENTATION WILL BE CHALLENGED DURING THE
COURSE OF THE CONFERENCE. THE EASTERN BLOC WILL
PROBABLY REPEAT THE THEME PRESENTED AT THE PRELIMINARY
REGIONAL CONFERENCE IN 1974 THAT QUESTIONS OF SECURITY
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AND STATUS ARE INEVITABLY RAISED BY THE WORK OF THE
CONFERENCE, THEREFORE THE REPRESENTATION OF BERLIN BY
THE FRG IS INCONSISTENT WITH THE QUADRIPARTITE AGREE-
MENT.

4. THE ALLIES CONSIDER THAT IT WOULD BE IMPRACTICABLE
TO PROVIDE A FORMAL STATEMENT THAT THE REPRESENTATION
OF THE INTERESTS OF WEST BERLIN BY THE FRG AT THE

CONFERENCE WAS IN ACCORDANCE WITH THE QA BEFORE THEY KNEW WHAT WAS LIKELY TO ARISE AT THE CONFERENCE. IF THE FRG WERE TO BE CHALLENGED ON THIS POINT, THE ALLIES WOULD SEE NO DIFFICULTY ABOUT RESPONDING WITH AN APPROPRIATE STATEMENT, BASED ON BK/L (68) 12, NOTING THAT THE ITU CONVENTION HAD BEEN

EXTENDED TO WEST BERLIN IN ACCORDANCE WITH THE PROPER PROCEDURE.

5. THE TERMS IN WHICH THE CHALLENGE WOULD BE MADE PROBABLY RANGE BETWEEN TWO MODELS:

- A. THE EASTERN EUROPEANS WILL RAISE THEIR ARGUMENTS FOR FORM'S SAKE AND NOT PUSH THEM TO THE POINT WHERE THE SUCCESS OF THE CONFERENCE IS THREATENED, OR
- B. THE EASTERN EUROPEANS WILL MAKE A MAJOR POLITICAL EFFORT TO OBTAIN A FORMAL CONSENSUS FOR A RULING THAT THE FRG MAY NOT REPRESENT BERLIN'S INTERESTS IN THE FORUM AND THAT BERLIN DELEGATES MAY NOT BE SEATED WITH THE FRG DELEGATION.

6. RESPONSES SHOULD BE CONDIGN, FALLING BETWEEN A SIMPLE REBUTTAL BY THE FRG DELEGATION IN RESPONSE TO (A) ABOVE AND A CONCERTED RESPONSE BY THE FRENCH, UK AND FRG DELEGATIONS IN RESPONSE TO (B) ABOVE. THIS LATTER RESPONSE COULD BE ON THE LINES THAT:

- A. THE QUADRIPARTITE AGREEMENT SPECIFICALLY CONFIRMED THE ESTABLISHED PROCEDURES FOR ALLIED REVIEW ACCORDING TO WHICH ONLY THE ALLIED POWERS WERE COMPETENT TO DETERMINE WHETHER AND TO WHAT EXTENT SECURITY AND STATUS WERE INVOLVED IN A GIVEN MATTER;
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- B. THE ALLIED AUTHORITIES HAD DETERMINED THAT THE FRG COULD REPRESENT THE INTERESTS OF BERLIN AT THE CONFERENCE SUBJECT TO THE ESTABLISHED ALLIED RESERVATION, WHICH DATED TO THE FRG'S ACCESSION TO THE MONTREUX CONVENTION. THE PURPOSE OF THAT RESERVATION WAS TO ASSURE THAT THE FRG'S REPRESENTATION OF BERLIN'S INTERESTS WOULD BE CONFINED TO MATTERS NOT AFFECTING SECURITY AND STATUS,
- C. THEREFORE THE ALLIED AUTHORITIES WOULD REVIEW THE DECISIONS OF THE CONFERENCE TO ASSURE THEMSELVES THAT THIS WAS THE CASE AND, SUBJECT TO THIS RESERVATION, THE FRG REPRESENTATION WAS FULLY CONSISTENT WITH THE QUADRIPARTITE AGREEMENT.

7. THE QUESTION OF A MANDATE TO THE FEDERAL GERMAN AUTHORITIES TO REPRESENT THE INTERESTS OF THE ALLIED STATIONS IN BERLIN IS SUBJECT TO THE SAME GENERAL CONSIDERATION AS AN ALLIED FORMAL STATEMENT THAT THE REPRESENTATION OF BERLIN BY THE FRG WAS CONSISTENT WITH THE QA: IT IS NOT PRACTICABLE TO DRAFT A MANDATE UNTIL IT CAN BE SEEN HOW A CHALLENGE TO THAT REPRESENTATION WILL BE FORMULATED. THE ALLIES ARE PREPARED TO MAKE A FORMAL ORAL REQUEST TO THE FEDERAL GERMAN AUTHORITIES TO REPRESENT THEIR BERLIN INTERESTS AT THE CONFERENCE. IF THAT POSITION IS CHALLENGED, THE FRENCH AND UK DELEGATIONS WILL CONSULT WITH THE US OBSERVER AND THE FRG DELEGATION ABOUT DRAFTING SUITABLE RESPONSES.

8. DEPENDING ON HOW THE WORK OF THE CONFERENCE DEVELOPS, THE FRENCH AND UK DELEGATIONS MAY FIND IT NECESSARY TO EXPRESS A FORMAL RESERVATION TO THE EFFECT THAT THEY MIGHT BE OBLIGED TO MODIFY THE DECISIONS OF THE CONFERENCE BECAUSE OF ALLIED RIGHTS AND RESPONSIBILITIES RELATING TO COMMUNICATIONS, INCLUDING TELECOMMUNICATIONS, TO AND FROM BERLIN. SUCH A

RESERVATION MIGHT BE EXPRESSED IF THERE IS A CHALLENGE TO THE REPRESENTATION BY THE FRG DELEGATION OF ALLIED INTERESTS.

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9. THE DECISIONS OF THE CONFERENCE ARE TAKEN BY MAJORITY VOTE, NOT BY CONSENSUS. IT WILL THEREFORE BE POSSIBLE FOR THE FRG DELEGATION TO ABSTAIN FROM VOTING ON, OR TO VOTE AGAINST, MEASURES WHICH WOULD AFFECT THE POSITION OF THE ALLIES IN BERLIN. THIS WILL AVOID THE DANGER THAT A SUBSEQUENT ALLIED RESERVATION OF ANY CONFERENCE DECISIONS WOULD APPEAR TO REPUDIATE THE VOTING CONDUCT OF THE FRG DELEGATION.

10. THE QUESTION REMAINS OF WHAT ACTION SHOULD BE TAKEN BY THE ALLIES AND THE FRG IF, IN SPITE OF THEIR RESERVATIONS, THE CONFERENCE DECIDED TO RE-ALLOCATE FREQUENCIES TO THE DETRIMENT OF ALLIED BROADCASTING IN BERLIN (PARAGRAPH 1 (A) ABOVE). THIS WOULD PROBABLY REQUIRE MORE EFFECTIVE ACTION THAN THE MERE REGISTRATION OF AN AFFIRMATION THAT THE ALLIES DID NOT RECOGNISE THAT PARTICULAR DECISION. SUCH ACTION WOULD PROBABLY HAVE TO BE TAKEN OUTSIDE THE CONTEXT OF THE CONFERENCE, AND THE AFFIRMATION OF NON-ACCEPTANCE IS PROBABLY ABOUT AS FAR AS THE DELEGATIONS COULD GO. WHAT HAPPENS THEREAFTER IS

OUTSIDE THE SCOPE OF THIS PAPER, BUT CAPITALS MAY
WISH TO CONSIDER THE IMPLICATIONS.
HILLENBRAND UNQUOTE SISCO

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